



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Planning Commission

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 14, 2016	CONTACT/PHONE James Caruso (805) 781-5702 jcaruso@co.slo.ca.us	APPLICANT Templeton Community Services District (TCSD)	FILE NO. DRC2015-00070
SUBJECT Hearing to consider a request by the Templeton Community Services District (TCSD) for a Conditional Use Permit to construct a wastewater project to re-route the treatment and disposal location of 220,000 gallons of sewage per day to the Meadowbrook wastewater treatment plant and the Selby Percolation Pond facility (East Side Force Main and Lift Station Project). The project includes: installation of approximately 3.0 miles of new 6" to 15" diameter wastewater piping; installation of a new sewer lift station and replacement of an existing sewer lift station and will result in the disturbance of approximately 7.0 acres of previously disturbed rights of way and easements. The project is within the Agriculture, Commercial Retail, Office and Professional and Residential Single Family land use categories, and is located approximately 200 feet north of the end of Marquita Ave (new lift station) and running in a trench approximately 3.0 miles in easements and rights of way south along Sweetwater Rd to Main Street, west along Las Tablas Rd to an existing sewer lift station located southwest of the intersection of Bennet Way and Las Tables Rd in the community of Templeton, in the Salinas River Sub Area of the North County Planning Area.			
RECOMMENDED ACTION Approve Conditional Use Permit DRC2015-00 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that the previously adopted Negative Declarations and Addendum prepared by TCSD as Lead Agency are adequate for the purposes of compliance with CEQA because: 1) no substantial changes are proposed in the project which would require major revision of the previous Negative Declarations, 2) no substantial changes occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declarations, and 3) no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.			
LAND USE CATEGORY Agriculture, Commercial Retail, Office and Professional, Residential Single Family	COMBINING DESIGNATION Flood Hazard; Energy and Extractive	ASSESSOR PARCEL NUMBER Multiple	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: A.1 - Compliance with Community Plan; A.3 – Preservation of Natural Features;			
LAND USE ORDINANCE STANDARDS: 22.30.370 - Public Utility Facilities; 22.14.050 - Extractive Resource Area (EX1); 22.14.060 - Flood Hazard Area (FH)			
EXISTING USES: Various industrial, commercial and residential uses along pipeline route			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cal Trans, and Templeton Area Advisory Group			

SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Industrial/Sand & Gravel processing <i>South:</i> Residential Single Family/Mixed uses	<i>East:</i> Agriculture/Salinas River <i>West:</i> Industrial/Commercial Service/Business parks
TOPOGRAPHY: Flat to gently sloping	VEGETATION: Grasses; oaks, ornamentals
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Templeton Fire Dept.	ACCEPTANCE DATE: January 29, 2016

PROPOSED PROJECT

Background

The Templeton Community Services District (TCSD) East Side Force Main and Lift Station (ESFM) Project will re-route the treatment and disposal location of 220,000 gallons of raw sewage per day (“gpd”) to the Meadowbrook wastewater treatment plant (WWTP) and Selby Percolation Pond Facility (Selby Ponds). This wastewater is currently discharged to the Salinas River after treatment from the City of Paso Robles WWTP.

The TCSD has the permitted capacity to treat 600,000 gpd of wastewater at its Meadowbrook WWTP and discharge the treated wastewater at the Selby Ponds, inclusive of the redirected 220,000 gpd, per existing WDR Order No. R3- 2007-0029. The environmental impacts for this activity were addressed in a previous CEQA document. The TCSD adopted a mitigated negative declaration for that project in 1998.

The TCSD has obtained the Wastewater Change Petition for this Wastewater Flow Re-routing Project. Wastewater Change Petition Order WW0065, dated November 7, 2012. The environmental impacts for this ESFM Project have been addressed in previous CEQA documents. The TCSD adopted a mitigated negative declaration (MND) for this project on May 23, 2012. There were two subsequent alignment changes and each alignment change was evaluated under CEQA. For the first alignment change, the District adopted an amendment to the MND on May 23, 2013. The District adopted a Subsequent MND for the second alignment change on November 14, 2015. The supporting environmental documents are attached. The County will use these documents prepared by the Lead Agency in its consideration of this CUP.

PROJECT DESCRIPTION

The ESFM Project will require construction of new conveyance infrastructure (pipelines and pumps) in uplands and existing developed areas. The new pipeline alignment would run along approximately 3 miles connecting to existing TCSD facilities and pipelines. The northern end of the new pipeline would connect at TCSD facilities near Volpi Ysabel Road and the railroad tracks east of U.S. 101, and would connect at the southern end south of the intersection of Las Tablas Road and Bennett Way, west of U.S. 101.

There are two lift stations proposed for this project:

1. Volpi Ysabel Lift Station

This lift station is located within an easement facility near Volpi Ysabel Road and the railroad tracks east of U.S. 101. The land is zoned Industrial and the lift station site is fenced. The lift station is

located adjacent to Calportland Concrete Mixing Facility. Papich Construction operates an asphalt mixing plant across the street. The lift station site area is roughly 30 feet wide by 40 feet and will be paved with ac pavement. The area has been previously disturbed.

2. Lift Station 3 Replacement

There is an existing lift station 3 located on a District owned site (assessor parcel no. 040-211-020), which is located adjacent to the railroad right of way, northeast of the Main Street/Highway 101 intersection, at the end of a private access road. The District will construct a new replacement lift station immediately adjacent and contiguous with the existing lift station site so that the existing lift station can remain operational during construction and until the new project comes on line. The existing lift station and the new site are in the Agriculture land use category. The new lift station site area will be approximately 2,100 square feet and will be concrete or ac pavement. Much of this area has already been disturbed, either by the original pipeline work or grading by the current owner.

3. Sewer Force Main and Gravity Pipelines

The balance of the ESFM Project consists of sewer force main and gravity pipelines. All pipeline work will occur in previously disturbed easements (existing gravity sewer in place) and existing Road right-of-ways. The total length of the project is approximately 17,000 linear feet. The pipeline breakdown is as follows:

Within existing disturbed easements on private property:

Project Component	Linear Feet	Minimum Cover	Maximum Cover
6" force main	5,500	3 feet	6 feet
6" HDD at crossing	286	15 feet	15 feet
6" gravity sewer	950	5 feet	15 feet

Within existing disturbed road right-of-way:

Project Component	Linear Feet	Minimum Cover	Maximum Cover
10" force main	7,660	3 feet	6 feet
10" HDD @ Main St. Crossing	420	10 feet	10 feet
10" HDD @ Creek crossing	372	25feet	25 feet
15" gravity sewer	1654	5 feet	15 eet

*HDD – Horizontal Directional Drilling

California Environmental Quality Act (CEQA)

CEQA Guidelines include definitions of Lead and Responsible Agencies. The Lead Agency is the public agency that either carries out or permits the project. In this case, the TCSD is carrying out the project and is the Lead Agency. The County is issuing a land use permit and is a Responsible Agency.

The TCSD, as Lead Agency, has prepared and approved a Negative Declaration for the proposed project. As described above, an Addendum and a Subsequent Negative Declaration were also prepared and approved for alignment changes. The Commission must find that the previously adopted

Negative Declaration is adequate for the purposes of compliance with CEQA because: 1) no substantial changes are proposed in the project which would require major revision of the previous Negative Declaration, 2) no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and 3) no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

The District's Negative Declaration identified significant biological impacts of the project and has proposed mitigation measures. These measures include but are not limited to the following:

1. Pre-construction wildlife surveys
2. Pre-construction floristic surveys
3. Avoidance of riparian environment.

The TCSD will be responsible for carrying out these mitigation measures.

Land Use Ordinance Compliance

22.30.370 - Public Utility Facilities

A. Permit requirements. In addition to the Emergency Repair and General Permit Requirements of Section 22.30.360.A and B., Conditional Use Permit approval is required for any new facility or modification of any existing facility in the Agriculture, Rural Lands, Recreation, Residential, Office and Professional, and Commercial Retail land use categories.

B. Application contents. In addition to the application materials required by Chapter 22.62 (Permit Applications), permit applications shall also include descriptions of:

1. The proposed design capacity of the facility; the operating schedule; and how the proposed facility interacts with incoming and outgoing utility services.
2. Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities.
3. Proposed erosion control measures, revegetation, screening and landscaping during construction and operation.
4. An oil and hazardous materials spill contingency plan, including a demonstration that all materials can be contained on-site.
5. For electric and telephone centers, estimates of the non-ionizing radiation generated and/or received by the facility. These will include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.
6. The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic.

Staff Comments: *According to the TCSD project description the East Side Force Main and Lift Station (ESFM) Project will re-route the treatment and disposal location of 220,000 gallons per day ("gpd") to the Meadowbrook wastewater treatment plant (WWTP) and Selby Percolation Pond Facility (Selby Ponds). The approved Negative Declaration provides for erosion control measures, revegetation, screening and landscaping during construction and operation and also proposes spill contingency procedures. According to the TCSD, the time of construction is*

estimated to be 4 to 6 months of active construction for the pipeline and another 4 to 6 months for the lift stations. Construction activities associated with the proposed project are estimated to generate a maximum total of 25 to 30 employees over a period of approximately one year. It is anticipated that many of these employees will reside locally thereby not generating any demand for temporary housing. Those employees residing outside the area will find temporary accommodations in hotels or motels in the area or in short-term rental housing. The general availability of temporary housing in the area is expected to accommodate these workers with no substantial displacement of people or significant affect upon the available housing inventory. As a result, the construction phase of the proposed project will not create the demand for additional new housing.

C. Development standards. The following standards apply in addition to any that may be established as conditions of approval:

1. **Environmental quality assurance.** An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Conditional Use Permit. Specific requirements of this Environmental Quality Assurance Program will be determined during environmental review and Conditional Use Permit review and approval.
2. **Clearing and revegetation.** The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil will be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season.
3. **Fencing and screening.** Public Utility Facilities shall be screened on all sides. An effective visual barrier will be established through the use of a solid wall, fencing and/or landscaping. The adequacy of the proposed screening will be determined during the land use permitting process.

Staff Comments: *The TCSD is the Lead Agency and will implement and monitor the mitigation measures identified in the District's approved Negative Declarations. EQAP will be prepared and submitted prior to start of construction. It will be based on the County's conditions of approval of the Conditional Use Permit. Vegetation removal will occur as the linear trench is extended in the easement areas. The proposed pump stations will be screened.*

Combining Designations

22.14.040 -Extractive Resource Area (EX1)

The Extractive Resource Area (EX1) combining designation is applied to areas, including active mines, which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits. Any such areas which are subsequently formally designated by the State as containing mineral deposits of statewide significance should be included in the EX combining designation subject to an amendment of the Land Use Element.

According to the LUO, the purpose and applicability of the Extractive Resource Area (EX1) combining designation is to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits. The purpose of this combining designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction.

Approval of any use other than mineral resource extraction in the EX1 combining designation may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

The proposed project is located underground in existing easements and rights of way. No effect on the EX1 will occur due to the project. Please see the Findings in Exhibit A.

Flood Hazard

The Flood Hazard (FH) combining designation is applied to flood-prone areas identified through review of available data from various federal, state, or local agencies. It also includes flood elevations of existing lakes and reservoirs.

The purpose of the FH combining designation is: to encourage land development that is designed to minimize adverse effects on drainage ways and watercourses; to avoid damage to property improvements through flood inundation, destruction of natural resources, loss of water retention facilities, open space and wildlife habitats, and impairment of public and private water supplies; to encourage a coordinated land and water management program which will support non-structural land uses in flood-prone areas; and to support location of permanent structures and other artificial obstructions to not adversely restrict water flow.

Projects proposed in the FH combining designation should achieve the following objectives: projects should not be constructed, moved, or remodeled so as to result, directly or indirectly, in adverse stream channel alteration, or diminish the capacity of a designated stream course. In addition, no use should be permitted that would increase the amount of potentially damaging materials in downstream flood flows or increase flood hazards to neighboring properties. Areas of highest flood hazard should remain undeveloped in accordance with the principles of the Federal Flood Insurance Program.

The proposed project consists primarily of underground infrastructure that will not be affected by flood hazard as are above ground permanent structures. Conditions have been included for the elements of the project to address the flood hazard designation in those parts of the alignment within the FH.

Title 19 – Building and Construction Ordinance

Generally, all new development in the unincorporated jurisdiction requires a construction permit issued by the County. However, California Government Code section 53091 states:

Building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, wastewater, or electrical energy by a local agency.

The proposed project includes the transmission of wastewater to a treatment plant and will be exempt from the issuance of building permits.

AGENCY REVIEW

Public Works: A stormwater control plan is required.

Advisory Committee

Templeton Area Advisory Group (TAAG) considered and supported the project at their February meeting.

LEGAL LOT STATUS

The nine existing parcels existing were legally created by a recorded maps at a time when that was a legal method of creating lots.

Staff report prepared by James Caruso and reviewed by Karen Nall.

Attachments

1. Exhibit A - Findings
2. Exhibit B - Conditions
3. Project Graphics
4. TCSD Negative Declaration
5. TCSD Negative Declaration Addendum
6. TCSD Negative Declaration Subsequent